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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Burkina Faso

1. At its 1236th and 1237th meetings, held on 18 and 19 August 1997, the Committee considered the sixth, seventh, eighth, ninth, tenth and eleventh periodic reports of Burkina Faso, submitted as one document (CERD/C/279/Add.2), and adopted, at its 1242nd meeting, held on 21 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's reports and the presence of its delegation and appreciates the opportunity to resume the dialogue with the State party. The Committee regrets, however, that the report did not follow the guidelines established by the Committee for the presentation of reports and that the report lacked concrete information on the practical implementation of the Convention or on laws bearing on issues concerning the Convention. The Committee expresses its appreciation of the delegation's oral presentation, which substantially supplemented the written report.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the country's difficult economic situation may affect the full implementation of the Convention in Burkina Faso.

C. Positive aspects

4. The spirit of tolerance in Burkina Faso, the State party's active policy of equality and non-discrimination, and the process of democratization embarked upon since the submission of the previous report, are commended.

5. It is noted with satisfaction that the Convention takes precedence over the national legislation and can be directly invoked before the Courts.

6. It is noted with appreciation that the prohibition of discrimination on any ground, in particular of race, ethnic origin, colour, religion or caste, is contained in the Constitution, which makes it an excellent basis for the implementation of the Convention in Burkina Faso.

7. The recent enactment of provisions in the Criminal Code to make racial discrimination a criminal offence is welcomed.

8. The measures taken by the State party to favour the use of and instruction in national languages in education, as well as in the media, are also welcomed.

9. The establishment of the office of Mediator, to consider complaints by any individual against arbitrary acts of the administration, is appreciated.

D. Principal subjects of concern

10. Concern is expressed over the lack of the legal provisions required in order to implement fully the State party's obligations under article 4 of the Convention.

11. The lack of data on the demographic composition of the population and on the representation of ethnic groups at various levels of public life is regretted.

12. Concern is expressed over the absence of data on the enjoyment of economic, social and cultural rights by different sections of the population, and on their access to development projects and programmes in different fields.

E. Suggestions and recommendations

13. The Committee would wish to receive more precise information about the provisions of article 132 of the Criminal Code and of Law 10/92/ADP of 15 December 1992 concerning freedom of association, and in particular whether and how the law provides for the prohibition of all acts of racial discrimination and of organizations which promote racial discrimination.

14. The Committee requests the State party to provide in its next report information in accordance with paragraph 8 of the reporting guidelines on the composition of the population and on the representation of ethnic groups at various levels of public life, as well as on their enjoyment of economic, social and cultural rights.

15. More information is also requested with regard to the progress made in the promotion of national languages and the education of all the population.

16. The Committee also requests information on the powers and functioning of the institution of Mediator and other institutions promoting respect for human rights and multicultural and multi-ethnic understanding.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making such a declaration be considered.

19. The Committee recommends that the State party's next periodic report, due on 17 August 1999, be a comprehensive report and that it address all the points raised in the present observations.